

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

JUN 9 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM No. 93-41
)	
TRIAD FAMILY NETWORK, INC.)	BPED-910227MD
Winston-Salem, North Carolina)	
Channel 207C3)	
)	
POSITIVE ALTERNATIVE RADIO, INC.)	BPED-911119MC
Asheboro, North Carolina)	
Channel 207A)	
)	
For Construction Permit for a)	
New Noncommercial Educational)	
FM Station)	

TO: Administrative Law Judge
Joseph P. Gonzalez

REQUEST FOR PERMISSION TO FILE
MOTION FOR SUMMARY DECISION

Positive Alternative Radio, Inc. ("Radio"), pursuant to §1.251(a)(2) of the Commission's rules, respectfully requests permission of the Presiding Judge to file a motion for summary decision with respect to the financial issue added against Radio by the Judge's ruling from the bench at the Pre-hearing Conference May 11, 1993 and subsequent Order released May 17, 1993 (FCC 93M-267).

In support of its request, Radio shows that at the Pre-hearing Conference, the Presiding Judge anticipated and at least tacitly invited the filing of a motion for summary decision:


. . . Because I think that - - the financial qualifications issue could be resolved by a motion for summary decision if, in fact, it can be established that

the parties have sufficient funds to, to meet all their pressing financial commitments (TR. 8-9)

The public interest would be served by the filing (and grant) of a motion for summary decision to the extent that Radio filed on or about June 2, 1993, a petition for leave to amend and an amendment to its application, which specifies another channel and upon grant, would remove the exclusivity between the applicants in this proceeding. The application of Triad Family Network, Inc. (Triad) could thereupon be severed and granted and the only impediment to grant of the Radio application would be the financial issue added by the Presiding Judge. The motion for summary decision attached to this pleading will, upon grant, remove the only impediment to grant of the Radio application and termination of this proceeding without the necessity of a formal hearing, the adduction of evidence, subsequent pleadings and initial decision. The resulting saving of time, and funds by the Commission and by applicants will serve the public interest, and permit the institution of a new educational FM service to Winston-Salem, North Carolina, and another to Asheboro, North Carolina.

Respectfully submitted,

POSITIVE ALTERNATIVE RADIO, INC.

By 
Julian P. Freret
Its Counsel

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June 9, 1993

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager of the law firm of Booth, Freret & Imlay, do hereby certify that copies of the foregoing REQUEST FOR PERMISSION TO FILE MOTION FOR SUMMARY DECISION were mailed this 9th day of June, 1993, to the offices of the following:

*Administrative Law Judge
Joseph P. Gonzalez
Federal Communications Commission
2000 L Street, N. W., Room 221
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*Norman Goldstein, Esquire
Hearing Branch, Enforcement Division
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Margaret A. Ford

* Via Hand Delivery